

REMARKS

Newly added claims 35-37 are believed allowable for the following reasons.

U.S. Patent 5,959,549 to *Synesiou et al.* describes a communal metering system and method in which a single concentrator (CMC 34 in FIG. 1) provides metering facilities for up to 20 households or consumer sites 8 (column 3 lines 50-55). As shown in FIG. 2, each concentrator 34 includes a number of remote measurement modules 38, each for controlling supply to a respective site 8 (column 3 lines 57-63). A unique identification number and module address is associated with each remote measurement module 38, allowing consumption data to be matched to credit data (column 4 lines 24-53).

As understood, the Examiner equates the remote measurement module 38 with the recited utility meter of the present claims. However, if this interpretation is used, the utility meter/remote measurement module 38 of *Synesiou et al.* is not "provided at a location" with "an associated location identifier unique to the location", as recited in claims 35 and 37. Rather, all utility meters/remote measurement modules 38 of *Synesiou et al.* are provided at a central location (that of the CMC 34/concentrator) and they each have an associated location identifier unique to a different (remote) location (that of the site 8/consumer).

Also consider that *Synesiou et al.* describes a communal metering system wherein metering is provided at a location remote to the locations supplied so that the communal metering site can be secured to prevent tampering, and so that meters do not need to be located at each location supplied, thereby reducing costs (column 1 lines 18-25). In order to achieve these objectives, *Synesiou et al.*'s metering must be done at a location remote to that supplied (since the cost reduction is due to communal sharing of the concentrator). If *Synesiou et al.* was modified to meter at the supplied locations themselves, the desired objectives of *Synesiou et al.* would not be met; thus, such a modification would not be contemplated by the ordinary artisan (see MPEP 2143.01, "THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE"). *Synesiou et al.* therefore does not anticipate or render obvious claim 35, 37, or their dependent claims.

Synesiou et al. also does not teach a system as recited in claim 35 or 37 in which the utility meter is arranged to communicate with a user interface unit, to obtain a transaction data including credit/charge card data identifying a credit/charge card to be charged for the transaction, and to transmit the transaction data and location identifier to obtain authorisation of the transaction. *Synesiou et al.* teaches a display unit 73 that can be used by the consumer to communicate with a master control center 22 (column 5 lines 15-66), wherein the display unit communicates a pin code and credit card number to the master control center, but there is no description or suggestion that any location identifier is communicated to the master control center (nor is it evident why communication of the location identifier would be necessary or beneficial, since all the master control center, display unit, and remote measurement module "care about" is whether payment for electricity is received at a location, regardless of what that location might be). Indeed, *Synesiou* teaches that the display unit 73 communicates with the master control center for purposes of purchasing additional credit. The communal metering controller 34 does not play a part in such communications save to receive new credit and therefore the location identifier could not be transmitted to the master control center.

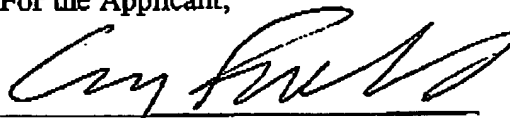
In present claims 35 and 37, having a location identifier that cannot be tampered with and which identifies the location of the authorization request with certainty enables the card transaction to be treated as a "card present" type transaction which is beneficial to the card holder and reduces fraud. In contrast, the metering system is *Synesiou et al.* is not sited at the same location as that from which the transaction authorization originates as in claims 35 and 37 and would not benefit from such an advantage. Furthermore, *Synesiou* is not concerned with card transaction fraud and is able to handle transaction payments for its intended purpose without requiring such an arrangement. *Synesiou et al.* therefore does not anticipate or render obvious claim 35, 37, or their dependent claims.

Synesiou et al. does not teach use of a transaction identifier for identifying a transaction to enable payment of the vendor upon authorization of the transaction. *Synesiou* is concerned solely with receiving payment for supply via its own metering system and as such it is the vendor. As such, no identification of a vendor is needed. *Synesiou et al.* therefore does not anticipate or

render obvious claim 36.

If any questions regarding the application arise, please contact the undersigned attorney. Telephone calls related to this application are welcomed and encouraged. The Commissioner is authorized to charge any fees or credit any overpayments relating to this application to deposit account number 18-2055.

For the Applicant,



Craig A. Fieschko, Reg. No. 39,668
DEWITT ROSS & STEVENS S.C.
8000 Excelsior Drive, Suite 401
Madison, Wisconsin 53717-1914
Telephone: (608) 828-0722
Facsimile: (608) 831-2106
cf@dewittross.com